

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

ZEWAYNE DURLEY,

Plaintiff(s),

vs.

ROY HARRISON, et al.,

Defendant(s).

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Case No. 2:06CV38 JCH

ORDER

This matter is before the Court on Defendants' Motion to Dismiss for Failure of the Plaintiff to Prosecute, filed January 7, 2008. (Doc. No. 41). By way of background, in an Order entered November 15, 2007, this Court ordered Plaintiff to submit both his Rule 26 disclosures and his responses to Defendants' interrogatories and requests for production of documents no later than **Friday, December 7, 2007**. (Doc. No. 40). The Court warned that failure to do so would result in the dismissal of Plaintiff's Complaint without prejudice. (Id.).

In the instant motion, Defendants assert that to date, Plaintiff has filed neither his Rule 26 disclosures, nor his answers to Defendants' interrogatories and requests for production. (Doc. No. 41, P. 2). In light of the foregoing, the Court will grant Defendants' Motion to Dismiss.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss for Failure of the Plaintiff to Prosecute (Doc. No. 41) is **GRANTED**, and Plaintiff's Complaint is **DISMISSED** without prejudice. An appropriate Order of Dismissal will accompany this Order.

Dated this 10th day of January, 2008.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE